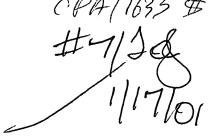


# ADLER & ASSOCIATES

01-09-01

P.O. BOX 710509 **HOUSTON, TEXAS 77271-0509** 



INTELLECTUAL PROPERTY LAW (PATENT, BIOTECHNOLOGY, COMPUTER, TRADEMARK & TRADE SECRET LAW)

WRITER'S DIRECT DIAL (713)-777-2321 WRITER'S DIRECT FACS. (713)-777-6908 E. MAIL: BADLER1@houston.rr.com

Docket No. D6163

Anticipated Classification of this application:

Class \_\_\_\_Subclass\_

Prior application: 09/393,173

Examiner: Connell, Y.

Art unit: 1633



## ASSISTANT COMMISSIONER FOR PATENTS BOX CPA

WASHINGTON, D.C. 20231

## **CONTINUED PROSECUTION APPLICATION (CPA)**

- This is a request for a filing under the continued prosecution application procedure, 37 Ι. CFR 1.53(d).
  - A prior complete application Serial Number 09/393,173, was filed on September 9, Α. 1999.
  - Under the title: "Adenoviral Vector Encoding Pro-Apoptotic Bax Gene and Uses В. Thereof" (as filed originally).
  - C. Name of applicants(s) (as originally filed and as last amended) and current correspondence address of applicant(s).

Jialing Xiang 1825 Arboretum, Apt E Birmingham, Alabama 35216

Citizen: USA

Jesus Gomez-Navarro 1824 6th Avenue South Birmingham, Alabama 35294 Citizen: Spain

David T. Curiel 824 Linwood Road Birmingham, Alabama 35222 Citizen: USA

The above-identified application in which no payment of issue fee, abandonment of, or II. termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this request for a continued prosecution application. Please use all the contents of the prior application file jacket, including the drawings, as the basic papers for the continued prosecution application and assign the application number of the above-identified application to the continued prosecution application.

01/10/2001 AGDITOM 00000067 09393173

01 FC:231

355.00 GP

It is understood that secrecy under 35 U.S.C. 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file wrapper of a 37 CFR 1.53(d) application, be it either this application or a prior application in the same file wrapper, the PTO may provide similar information or access to all the other applications in the same file wrapper.

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III.	Declaration or	ı ıarn
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A. Continuation: X none required: \_\_\_\_

## IV. Identification of Claims for Further Prosecution

The fees to be charged are to be based on the number of claims remaining as a result of the:

\_ attached preliminary amendment.

\_ unentered amendment filed under 37 CFR 1.116 in the prior application, which is now repeated.

X claims as on file in the prior application.

#### V. Fee Calculation

CLAIMS FOR FEE CALCULATION					
	NUMBER FILED	NUMBER EXTRA	RATE	BASIC FEE \$355	
TOTAL CLAIMS	10	0	X \$9	\$	
INDEPENDENT	03	0	X \$40	\$	
CLAIMS			44, 155		
MULTIPLE DEPENDENT CLAIM(S), IF ANY		X \$135	\$		

FILING FEE CALCULATION

\$355.00

## VI. Small Entity Statement

X A small entity statement was filed in the parent Serial No. 09/393,173, filed on September 9, 1999 is still proper and its benefit under 37 CFR 1.28(a) is hereby claimed.

## VII. Fee Payment Being Made at This Time:

X Filing fee \$355

Recording assignment (\$40.00; 37 CFR 1.21(h)).

Processing and retention fee (\$130.00;

37 CFR 1.53(d) and 1.21(l))

#### TOTAL FILING FEES ENCLOSED \$800

### VIII. Method of Payment of Fees

- $\underline{\mathbf{X}}$  Attached is a check in the amount of  $\underline{\$800}$  (filing fee + petition for extension of time)
- <u>X</u> Please charge Account No. 07-1185 in the event the filing fee amount was calculated incorrectly.

#### IX. Relate Back--35 U.S.C. 120

Amend the specification by inserting: "This is a continued prosecution application of application Serial No. 09/393,173, filed on September 9, 1999, now abandoned."

### X. Assignment

The prior application is assigned of record to University of Alabama at Birmingham Research Foundation



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. D6163

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THE ASSISTANT COMMISSIONER FOR PATENTS BOX CPA

WASHINGTON, D.C. 20231

## CERTIFICATE OF EXPRESS MAILING UNDER 37 CFR 1.10

I hereby certify that this continued prosecution transmittal and the documents referred to as attached therein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service as Express Mail No. EL610497793US in an envelope addressed to: The Assistant Commissioner for Patents and Trademarks, Washington, D.C. 20231, BOX CPA on January 8, 2001.

DATE: Jan 8, 2001

Benjamin Aaron Adler, Ph.D. Registration No. 35,423

ADLER & ASSOCIATES 8011 Candle Lane Houston TX 77071 (713)777-2321



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